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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



## THE UNITED STATES PATENT AND TRADEMARK OFFICE

## In re Application of:

Nickelson et al.

Serial No.: 10/813,810

Filed: March 30, 2004

For: SUBSURFACE MATERIALS MANAGEMENT AND CONTAINMENT SYSTEM, COMPONENTS THEREOF AND METHODS RELATING THERETO

Confirmation No.: 7531

Examiner: J. Kreck

**Group Art Unit: 3673** 

Attorney Docket No.: B-063D1

## CERTIFICATE OF MAILING

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date Signature Some How

Janine Hall
Name (Type/Print)

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56, it is respectfully requested that this Supplemental Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 or PTO/SB/08 be considered by the Examiner and made of record. Copies of U.S. patents and U.S. patent publications are <u>not</u> being submitted pursuant to M.P.E.P. 609 III A(2). Copies of foreign patent documents and non-patent literature are enclosed pursuant to 37 C.F.R. § 1.98(a)(2).

In accordance with 37 C.F.R. § 1.97(g) and (h), filing of this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made or an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b). Further, no representation is made by Applicants herein that no other possible material information as defined in 37 C.F.R. § 1.56 (b) exists.

Applicants offer to supply any explanation or discussion of the documents which the Examiner feels is necessary or desirable and which is requested.

This Supplemental Information Disclosure Statement is filed after the mailing date of the first Office Action on the merits.

I hereby certify that no item of information contained in the Supplemental Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the statement, and therefore no fee is due.

Respectfully submitted,

Stephen R. Christian Registration No. 32,687 Attorney for Applicants

P.O. Box 1625

Idaho Falls, ID 83415-3899 Phone: (208) 526-9140

Fax: (208) 526-8339

Date: 130 CT 2005

Enclosures: Form PTO/SB/08

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Approved for use through 10/31/2002. OMB 0651-0031

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INFO	RMATION	DIS	SCLOSURE	Application Number	10/813,810			
			PPLICANT	Filing Date	March 30, 2004			
	BIVEDIVE			First Named Inventor	Nickelson et al.			
				Group Art Unit	3673			
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Sheet	1	of	1	Attorney Docket Number	B-063D1			

U.S. PATENT DOCUMENTS								
Examiner Initials *	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant			
nutars -	140.	Number - Kind Code <sup>2</sup> (if known)			Figures Appear			
		US-5,127,771	07/07/1992	Wind				
		US- 5,676,207	10/14/1997	Simon et al.				
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<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&</sup>lt;sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at <a href="www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.